

Saturday, June 14, 1913

After a short hearing in his chambers yesterday Judge L. S. Roan, of the superior court, revoked his former order holding James Conley, the negro sweeper, as a material witness in the Phagan case, and ordered his release from the custody of the state. The negro was immediately rearrested and held by city detectives on a charge of suspicion.

By this the detective department and Solicitor Hugh Dorsey won their first point, as had the negro been ordered held by the state, he would have been transferred to the Tower and placed in the custody of the sheriff, where the detectives could not have reached them at their own free will.

Rosser Makes Protest.

Solicitor Dorsey secured the order for the release of the man who has sworn that Leo M. Frank, now under indictment for the murder of little Mary Phagan, is the real murderer, and Attorney Luther Z. Rosser, representing the indicted man, placed before the court a formal protest to the freeing of the negro.

William M. Smith, counsel for Conley, also filed a bill before the court on behalf of the negro, in which Conley swore to intimidation during the one night he spent at the jail, and declared that he had been approached by a man whom he believed to be in the employ of Frank, and that this man had given him sandwiches, which he feared to eat, and had offered him whisky.

Attorney Rosser stated that he did not wish to make the point that Conley was a material witness, but in his bill which he termed a "protest," declared that all evidence pointed to Conley as the murderer, and took Chief of Detectives Newport Lanford severely to task for their treatment of the negro.

Attorney Rosser's Plea.

"To enact the farce in the court's presence of releasing the negro and immediately returning him to his wet nurses at police station would resemble child's play," said Attorney Rosser.

"That the detectives should wish to keep Conley in their custody and entertain him at the city's expense is not at all surprising," the attorney declared in his bill. "They have already exacted from him extravagant, unthinkable and unbelievable confessions, three or four in number. To these they have given widest publicity, and to the credibility of the last have staked their reputations and hope of place."

Attorney Rosser also made the point in his answer that Chief Lanford was not a proper person in which to place the negro's custody, and declared that he should rightly be turned over to the sheriff of Fulton county, as an unbiased officer of the law, who had nothing at stake in the matter.

Sheriff's Force Indignant.

Officials of the sheriff's force have waxed redhot under the charges flung by Conley, his attorney and the detectives that the negro was allowed to be intimidated or threatened in any way while in a cell in the Tower, and declare that should he be placed in the Tower that his safety from a legal and physical standpoint would be perfectly protected, and that no one would be allowed to see him except at his request.

"Prove all this stuff about intimidation of Conley or of any other man, white or black," is the defiance that the sheriffs hurl at their accusers.